

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No. CV 96-2584 ABC

Date April 11, 2011

Title Tracy Dearl Cain v. Michael Martel, Warden of California State Prison at San Quentin

DEATH PENALTY CASE

Present: The
Honorable

Audrey B. Collins, Chief United States District Judge

Angela Bridges

None

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings:

**(IN CHAMBERS) ORDER RE: MOTION FOR EVIDENTIARY
HEARING [DOCUMENT 275] AND SUPPLEMENTAL BRIEFING**

On March 14, 2011, the Court issued an Order Granting in Part and Denying in Part Motion for Evidentiary Hearing. Those portions of the Order granting an evidentiary hearing on Claims 1(1), 1(2), 2(1), 2(11), 2(12), 2(17), 2(18), 8(3)(A), 10(6), 10(9), 10(10), 10(11), 10(13), 10(14), 10(17), 10(18), and 18, or portions thereof, are hereby **VACATED**. The Court **LIFTS** the stay on the remainder of the Order.

On April 4, 2011, the United States Supreme Court issued a decision in *Cullen v. Pinholster*, 563 U.S. ___, 2011 WL 1225705, holding that review under 28 U.S.C. § 2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits. On or before May 30, 2011, petitioner shall file a supplemental brief, not to exceed fifteen pages, addressing his entitlement to an evidentiary hearing in view of *Cullen v. Pinholster*. Respondent shall file any opposition, not to exceed fifteen pages, by June 30, 2011. Petitioner shall file any reply in support of his supplemental brief, not to exceed ten pages, by July 15, 2011.

IT IS SO ORDERED.

Initials of Preparer AB

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